

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

ZACHARIAH BARBER,

Petitioner,

v.

CASE NO. 2:07-CV-792
CRIM. NO. 2:05-CR-192
JUDGE MARBLEY
MAGISTRATE JUDGE KING

UNITED STATES OF AMERICA,

Respondent.

OPINION AND ORDER

On December 2, 2008, the Magistrate Judge issued a *Report and Recommendation* recommending that the instant motion to vacate, set aside, or correct sentence pursuant to 28 U.S.C. §2255 be dismissed. Petitioner has filed objections to the Magistrate Judge's Report and Recommendation. Petitioner objects to all of the Magistrate Judge's recommendations, and raises no additional arguments in support of his claims. He also again requests an evidentiary hearing.

Pursuant to 28 U.S.C. §636(b)(1), this Court has conducted a *de novo* review of the Magistrate Judge's *Report and Recommendation*. For the reasons detailed therein, petitioner's objections are **OVERRULED**. The *Report and Recommendation* is **ADOPTED** and **AFFIRMED**. Petitioner's request for an evidentiary hearing is **DENIED**. This action hereby is **DISMISSED**.

The Clerk shall enter **FINAL JUDGMENT** in this case.

s/Algenon L. Marbley
ALGENON L. MARBLEY
United States District Judge